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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
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11 ALAN I. SHERMAN,
12 Plaintiff,
13 v.
14 SZE-YAU DEREK YIU,
15 Defendant.

Case No. 15-cv-00275 EJD (NC)

**REPORT AND
RECOMMENDATION THAT THIS
CASE BE REMANDED TO SANTA
CLARA COUNTY SUPERIOR
COURT DUE TO LACK OF
SUBJECT MATTER JURISDICTION**

Re: Dkt. Nos. 1, 5

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17 Plaintiff Sherman filed this unlawful detainer case in Santa Clara County Superior
18 Court. Defendant Yiu removed the case to this federal court. On January 26, 2015, the
19 undersigned magistrate judge issued an Order to Show Cause as to the apparent lack of
20 federal subject matter jurisdiction. Dkt. No. 5. That Order commanded Yiu to show by
21 February 9, 2015, why this Court has subject matter jurisdiction over this case. Yiu did not
22 file a response.

23 Accordingly, because federal courts are of limited jurisdiction and Yiu has not
24 demonstrated that subject matter jurisdiction is satisfied, I recommend that this case be
25 remanded to Santa Clara County Superior Court. This is a recommendation to the District
26 Court Judge, rather than an immediate remand, because the parties have not consented to
27 the jurisdiction of a magistrate judge. 28 U.S.C. § 636(c); Dkt. No. 8. Any party may
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1 object to this recommendation, but must do so within fourteen days after being served with
2 a copy. Fed. R. Civ. P. 72(a).

3 IT IS SO ORDERED.

4 Date: March 26, 2015



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6 Nathanael M. Cousins
United States Magistrate Judge